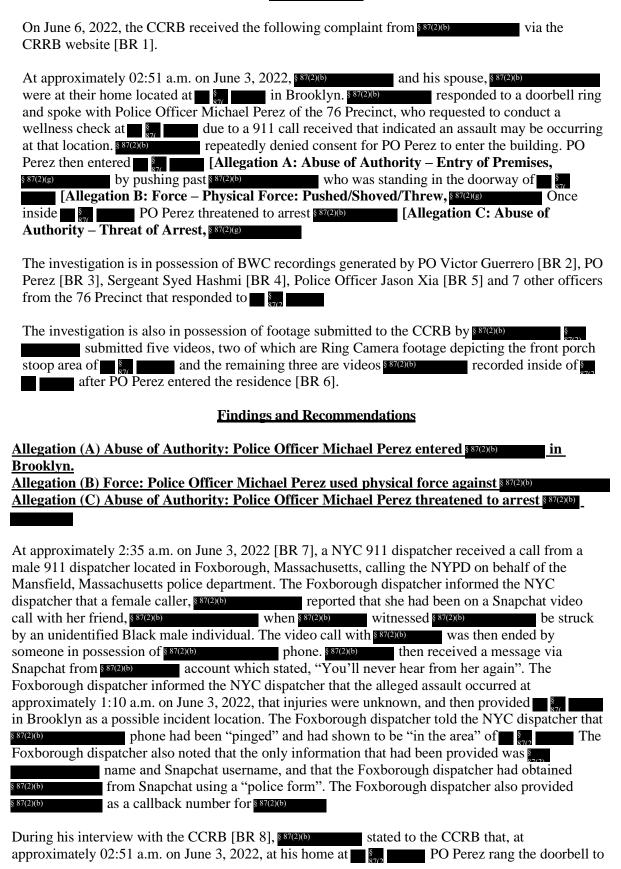
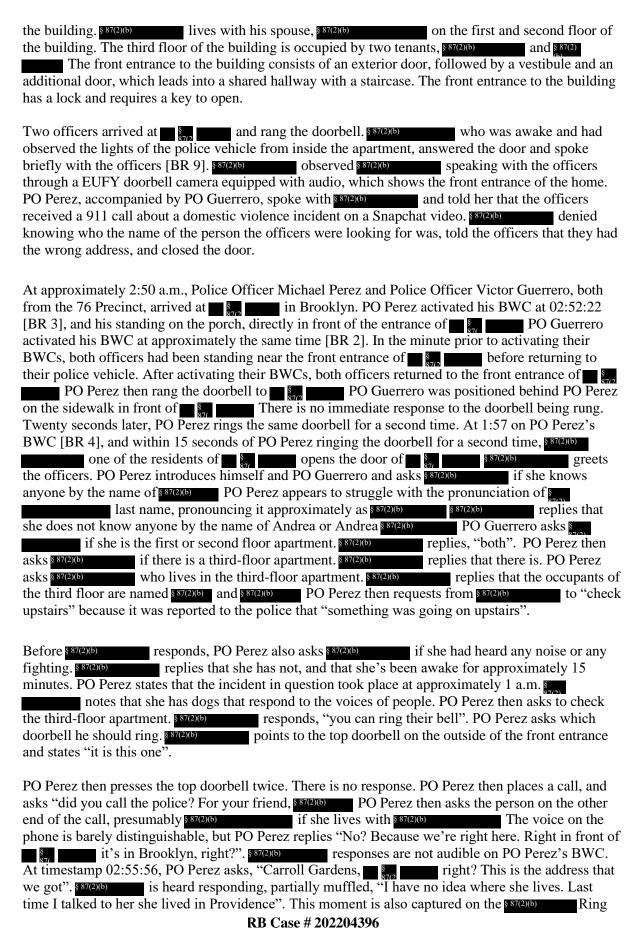
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Te	eam:	CCRB Case #:	☑	Force		Discourt.	U.S.
Harris Rogers	Sc	quad #07	202204396	☑	Abuse		O.L.	☐ Injury
T 11 (D (()	-			┡	10.3		2.7	T
Incident Date(s)		ocation of Incident:			181	Mo. SO	OL	Precinct:
Friday, 06/03/2022 2:51 AM	§ 8°	7(2)(b)			12	/3/202	23	76
Date/Time CV Reported	C	V Reported At:	How CV Reported		Date/Time Received at CCRB		RB	
Wed, 07/06/2022 8:51 AM	C	CRB	On-line website		Wed, 07/	/06/202	22 8:51 AN	1
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Michael Perez	23014	970076	076 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. SGT Syed Hashmi	01997	950570	076 PCT					
2. PO Victor Guerrero	22244	971978	076 PCT					
3. PO Michael Amankwah	02597	973051	076 PCT					
4. PO Justin Collins	18685	961703	076 PCT					
5. PO Elethia Jenkins	21292	963079	076 PCT					
6. PO Brandon Peraza	09881	973138	076 PCT					
7. PO Felix Rosa	14543	953339	076 PCT					
8. PO Kenly Garcia	25244	971948	076 PCT					
9. PO Cindy Lawrence	03004	956039	076 PCT					
10. PO Jason Xia	01519	965625	076 PCT					
Officer(s)	Allegation				Inv	vestiga	ntor Recor	nmendation
A.PO Michael Perez	Abuse: Poli § 87(2)(b)	Abuse: Police Officer Michael Perez entered in Brooklyn.						
B.PO Michael Perez	Force: Police	Force: Police Officer Michael Perez used physical force against [83(2)(6)]						
C.PO Michael Perez	Abuse: Police Officer Michael Perez threatened to arrest							

Case Summary



RB Case # 202204396

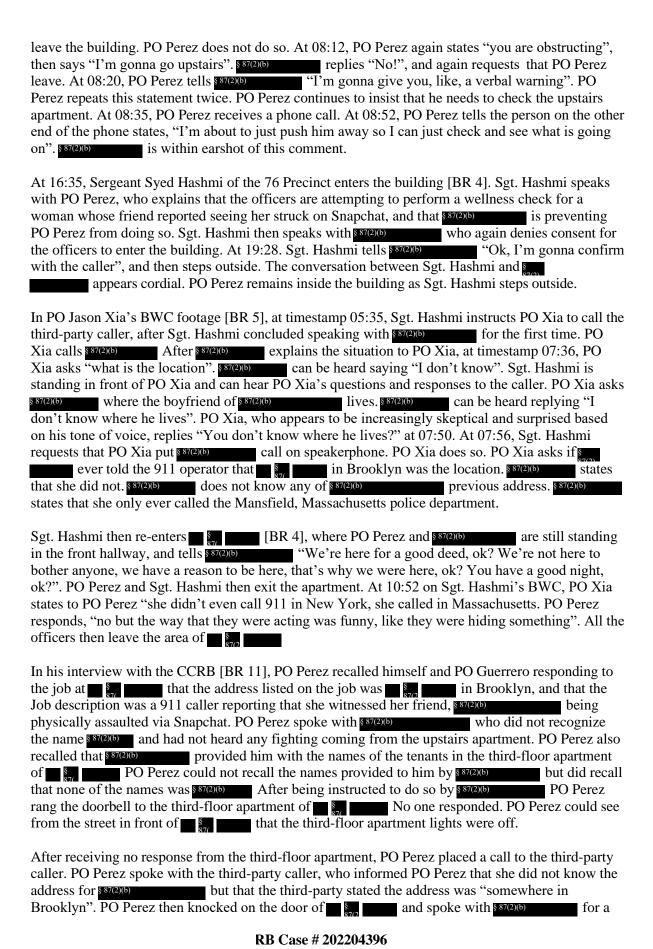


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Perez's BWC or on Ring Camera footage. PO Perez then asks, "this was, like, in Providence?". \$87(2)(b) response is audible on the Ring Camera footage. \$87(2)(b) is heard responding [BR 10], "I don't know where she lives. I don't know where she lives, I really don't" at video timestamp 02:15. PO Perez, seemingly to himself and in a puzzled manner, says "hmm". PO Perez then asks, at 05:07 on his BWC, "when was the last time you came over here? Never been to her house, or?". \$87(2)(b) reply is again discernible on the Ring camera footage, at 02:47. \$87(2)(b) replies, "No, I've never been to her house." continues to speak, but it is unclear what she is saying, due in part to chatter from a police radio. PO Perez asks, "but where though?". At Ring camera timestamp 02:58, \$87(2)(6) to reply, "I don't know", and then speaks at length, but her voice is again obscured by chatter from a radio. At 03:14 on his BWC, PO Perez rings the doorbell. He then tells PO Guerrero, while gesturing with his hand to the front door, "yeah, we're gonna check". PO Perez then tells "this is the address that we've got right now, we're gonna just go and check right now, we're gonna go upstairs and see if this is the right address, but we spoke to a neighbor, and she said..... I don't know her by name". then opens the door. PO Perez, while still on the phone, then immediately says "we're gonna check upstairs ma'am", and steps closer to the open front entrance. \$87(2)(b) "ok, can you let me go up?". PO Perez replies, "I have to check ma'am", and steps across the threshold of the open front door. [87(2)(b) replies, "please wait a moment, I'm gonna check, I'm gonna call them, ok?". As [87(2)(b) is talking, PO Perez takes another step inside PO Perez's entire body is inside at this point. \$87(2)(b) says, "excuse me, please step back". Several loud noises are heard in the background. PO Perez asks, "what is that going on?". replies, that's my husband coming down". The Ring footage then stops. PO Guerrero's BWC also captures PO Perez's entry into [BR 2]. At 06:20 on PO is shown standing on the left side of the doorway, inside of Guerrero's BWC, § 87(2)(b) with the front door to the building partially open. PO Perez is approximately one foot inside of the entrance and is standing face-to-face with \$87(2)(b) appears to have her right arm on the partially open door. PO Perez begins to move towards \$87(2)(6) further into the building, and says "Miss!" twice in quick succession, while continuing to move slowly forward. At 6:22, PO Perez begins to push past \$87(2)(b) who yells "step back!", after PO Perez places his left hand on her right forearm, which is still holding the open front door. PO Perez then used his left forearm to press against § 87(2)(b) upper back and push her into and to the right side of the vestibule, while squeezing his body through the gap that is now open between \$87(2)(b) and the interior of Po Perez's use of force to enter lasts around 3 seconds. Once inside, PO Guerrero's BWC shows PO Perez stepping approximately 10 feet inside of into a hallway, where PO Perez is confronted by \$87(2)(6) PO Guerrero remains inside the vestibule of the building and does not enter the hallway. PO Perez's BWC shows PO Perez entering the building at video timestamp 06:22 [BR 3]. PO Perez is immediately met by § 87(2)(b) who is shown approaching PO Perez in the hallway. positions himself between PO Perez and a staircase in the first-floor hallway. begins to record on his phone, and repeatedly asks PO Perez to "Please leave". PO Perez repeatedly states that the officers received a call, and that they "need to check". At 07:50, PO Perez "You are preventing me from doing my job" twice. At 07:55, \$87(2)(b) "please leave my house, this is not obstruction". PO Perez responds, "yes, you are obstructing" twice. Throughout his conversation with PO Perez, \$87(2)(b) continuously requests that PO Perez

Camera [BR 10]. SS(2)(b) continues to speak, but her statements are not discernible, either on PO

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second time, informing her that the officers had to conduct a wellness check by knocking on the door
of \$87(2)(b) to ensure that "everything was ok". \$87(2)(b) then refused the officers consent
to enter the apartment. According to PO Perez, he then "squeezed himself" past \$87(2)(6)
Perez acknowledged in his interview that he came into physical contact with \$87(2)(b) and that
the reason he entered the home, despite lacking consent from §87(2)(b) was because there was
"cause for concern", due to the worry of the third-party caller, and the behavior of \$87(2)(b)
PO Perez believed that \$87(2)(6) was acting in a suspicious manner because she was not
allowing the officers to enter and repeatedly instructed the officers to ring the third-floor doorbell,
which PO Perez interpreted as wanting the officers to leave the property. PO Perez stated that he was
acting on his instinct that something was "fishy" when he decided to enter
blocked PO Perez's path to the staircase. PO Perez told \$87(2)(b) that he was
preventing the officer's from doing their job and told \$87(2)(b) that he was obstructing the
officers, a statement that PO Perez intended as a warning. PO Perez never stated to \$87(2)(b)
what the consequence might be if \$87(2)(b) ignored this warning but noted during his interview
that \$87(2)(b) could have been arrested for Obstruction of Governmental Administration, based
on the possibility that "something was going on". PO Perez explained that he was not threatening
with arrest because, at that moment, he had no evidence that anything was going on.

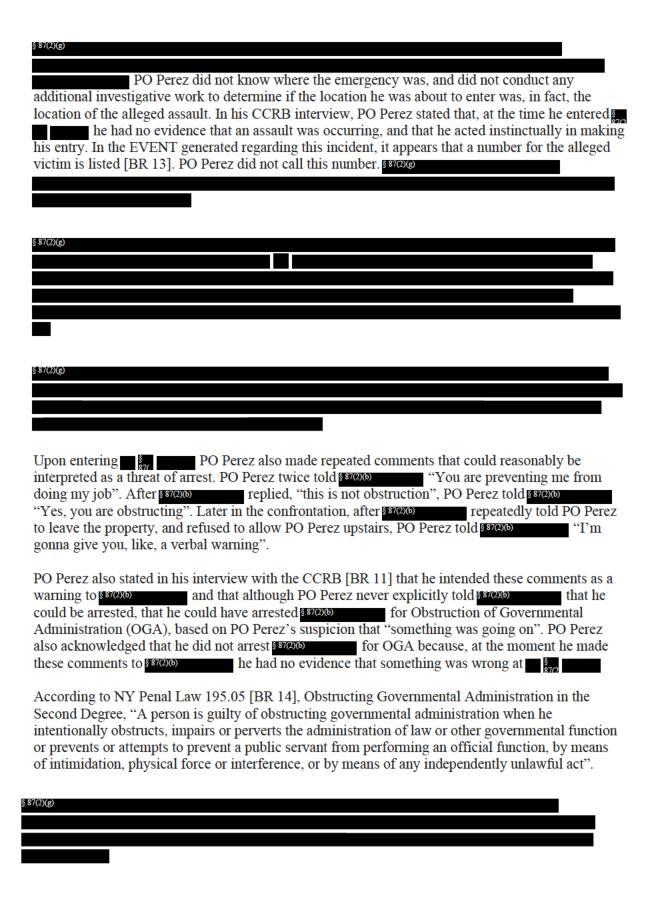
People v. Desmarat, 38 A.D.3d 913, 914, 38 A.D.3d 913, 833 N.Y.S.2d 559 (App. Div. 2nd Dept.)

[BR 12], addresses the issue of a group of officers entering a motel room after receiving a radio call, and subsequently discovering a body lying near the rear exit door of the motel. Upon further observation, the officers noticed ripped clothing and paper currency under the window of a nearby room and entered the room with the assistance of a motel employee. The court ruled that the officer's entry into the room was proper, as the court's only question for the court's consideration under the Fourth Amendment was whether the police had reasonable grounds to believe that there was an emergency at hand and whether there was some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched. In totality, the objective facts observed by the police provided them with a reasonable basis to believe that an emergency was at hand, that other persons may have been at risk of injury, and that the emergency was associated with the room that the officers entered.

According to Patrol Guide Procedure 221-01, which sets out standards for the reasonable use of force by officers, officers are instructed to consider a number of factors, including the severity of the circumstances, actions taken by the subject, and the immediacy of the perceived threat.

In this case, a 911 operator from Mansfield, Massachusetts determined there might be an emergency at hand "in the area" of in Brooklyn. PO Perez responded to the call, relayed to him by a NYC 911 dispatcher, and attempted to investigate. Upon arriving at the location, society denied PO Perez consent to enter the building to conduct a wellness check of the third-floor apartment. This raised PO Perez's suspicion that something might be wrong at the location and that officer assistance might be needed. However, PO Perez was unable to cite any specific actions taken by society that raised his suspicion, aside from society denying PO Perez entry, and instructing him to ring the doorbell for the third-floor apartment.

PO Perez spoke with the 911 caller and determined that the 911 caller did not know where the victim of the alleged assault lived, or where the assault occurred. Regardless, based on the information provided by the 911 operator that the victim was in the area of PO Perez attempted to enter the building to conduct a wellness check. PO Perez entered the building despite refusal to provide consent.



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Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which and and a Complainant/Victim [BR 15].
- Police Officer Michael Perez has been a member of service for 2 years and has been a subject in one other CCRB complaint and 6 allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- §87(2)(6) declined to mediate this complaint.
- No Notice of Claim has been filed in regard to this complaint [BR 17].

[§ 87(2)(b)] [§§ 86((1)(3)&(4)] [§ 87(2)(c)]		
Squad:	7		
Investigator:	James Harris Rogers Signature	Investigator Harris Rogers Print Title & Name	11/10/2022 Date
Squad Leader:		Manager Vanessa Rosen Print Title & Name	February 7, 2023 Date
Reviewer:	Signature		
	Signature	Print Title & Name	Date